

D1 discloses tunneling narrowband call control messages through a broadband network (col. 2, line 38, through col. 3, line 21). In the system disclosed in D1, a broadband network merely transparently transmits narrowband call control messages between two narrowband nodes without modifying the content of the narrowband call control messages. D1 does not disclose or suggest that the broadband network provides any supplementary features to enhance a narrowband network's functionality.

Chen, which is cited only as disclosing providing connection related services via a transport network, does not disclose or suggest the above quoted feature, nor has the Examiner cited Chen as doing so.

Furthermore, as previously noted by applicants, D1 discloses a system in which "each network is virtually independent of the other," (abstract, right col.). In contrast, claim 1 recites, "setting up and/or clearing a communications link for transporting communication data which is carried out by at least one first functional unit in a communications network, the at least one first functional unit carrying out basic call functionality which is independent of a transport network; and controlling a connection function which is carried out by a second functional unit in the communications network, the second functional unit providing supplementary features and controlling connections between the at least one first functional units via signaling." As recited in claim 1, the first and second functional units are not independent of each other as they are in D1. As recited in claim 1, the functional unit provides call functionality, while the second functional unit provides supplementary features and controls connections between first functional units (when there are more than one). Accordingly, the functional units recited in claim 1 do not work independently of one another as disclosed in D1, which therefore teaches away from the claimed invention.

Additionally, even if the combination of D1 and Chen did disclose all of the features recited in claim 1 (which it does not), the Examiner has not provided evidence that one of ordinary skill in

the art would have been motivated to combine D1 and Chen to achieve the features of the claimed invention. Furthermore, D1 and Chen actually teach away from such a combination.

D1 teaches a classical centralized system (D1, Fig. 1, ATM Connection Manager 36), while Chen discloses a decentralized system. Moreover, Chen criticizes “centralized bandwidth brokers” and therefore centralized systems, such as that disclosed in D1, (Chen, col. 2, lines 53-58). Chen thereafter discloses a method based on decentralized local bandwidth brokers based on decentralized systems and details the advantages of using decentralized systems (Chen, col. 4, lines 42-45). There is no evidence or reason that one of ordinary skill in the art would have combined specific features from a centralized system to combine with certain features of a decentralized system without impermissibly using applicants’ invention as a roadmap.

Accordingly claim 1 is allowable. Independent claims 10, 19 and 20 recite features substantially similar to those discussed above with regard to claim 1, and are therefore allowable for at least the same reasons. Claims 2-5, 8, 9, 11-13, 16 and 18 depend from allowable claims and are allowable due at least to their respective dependencies.


Claims 6, 7, 14 and 17 stand rejected under 35 USC 103(a) on D1 in view of PCT WO 93/15583 (hereinafter, “D2”). Applicants respectfully traverse this rejection.

The combination of D1 and D2 does not disclose or suggest all of the features recited in the claims. Claims 6, 7, and 17 depend from claim 1 and claim 14 depends from claim 10. Claims 1 and 10 both recite that “connection related service features are provided via the transport network.” The Examiner has conceded that D1 does not disclose or suggest this feature. Furthermore, D2 does not disclose or suggest this feature, nor has the Examiner cited it as doing so. Also, even if the Examiner intended to cite Chen as well, D2 fails to overcome the deficiencies of D1 and Chen as noted above with regard to claim 1. Accordingly, claims 6, 7, 14 and 17 are allowable due at least to their respective dependencies.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **449122024600**.

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